

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

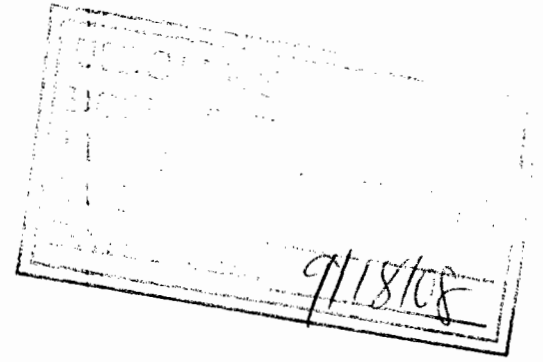
BIPINCHANDRA SHAH,

Petitioner,

- against -

RLI PARTNERS, LIMITED, LIMITED
LIABILITY COMPANY "INVESTMENT
LOTTERY COMPANY", LIMITED LIABILITY
COMPANY "INVESTMENT FINANCIAL
COMPANY 'METROPOL'", and COMMERCIAL
BANK "OBI'EDINENNYI INVESTITSIONNYI
BANK" (LIMITED LIABILITY COMPANY),

Respondents.



Civil Action No.: 08 Civ. 4446 (JES)

**PROPOSED ORDER GRANTING
SUMMARY JUDGMENT AND
DIRECTING PAYMENT**

THIS ACTION having been commenced by the filing of the Petition to Confirm Foreign Arbitral Award on May 12, 2008 (the "Petition"); Respondents RLI Partners, Limited ("RLI"), Limited Liability Company "Investment Financial Company 'Metropol'" ("IFC Metropol") and Commercial Bank "Obi'edinnyi Investitsionnyi Bank" (Limited Liability Company) ("ObiBank") (RLI, IFC Metropol and ObiBank hereafter collectively referred to as "Served Respondents") having been properly served on or about June 6, 2008 (RLI) and June 23, 2008 (IFC Metropol and ObiBank); an ex parte Order of Attachment as against IFC Metropol and ObiBank having been entered on May 15, 2008; the Order of Attachment having been served on certain garnishees, and one such garnishee, Citibank, N.A. ("Citibank"), having identified certain funds in its possession belonging to Respondent ObiBank (the "Attached Funds"); an order to show cause seeking confirmation and modification of the order of attachment having

been entered on July 11, 2008; the Court, by order filed August 13, 2008, having confirmed the order of attachment and directed garnishee Citibank to pay the Attached Funds into the registry of the Court; Citibank having paid the Attached Funds into the registry of the Court on August 29, 2008; Served Respondents having not appeared, answered or made any motion with respect to the Petition or Order of Attachment; the time for Served Respondents to appear, answer or make any motion with respect to the Petition or Order of Attachment having expired; the Clerk of this Court having duly entered a certificate of entry of default of Serve Respondents; Petitioner having move the Court for summary judgment and for an order directing payment of attached funds to Petitioner; Served Respondents having not appeared, answered or responded to the motions and the time for such appearance, answer or response having expired;

NOW, upon review of Petitioner Bipinchandra Shah's ("Shah") Motion for Summary Judgment ("Motion"), Petitioner's Memorandum of Law in Support, Rule 56.1 Statement of Undisputed Facts, the Affidavit of John J. Hay, Esq. sworn to on August 20, 2008 and the Exhibits thereto, the letter of John J. Hay of Salans to the Court dated September 11, 2008, and all prior pleadings and proceedings herein, and for good cause shown, it is:

ORDERED AND ADJUDGED: that said Motions are hereby granted; and it is further

ORDERED AND ADJUDGED: that the Arbitral Award is recognized and confirmed, pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, codified at 9 U.S.C. § 201 et seq., and under Fed. R. Civ. P. 56; and it is further

ORDERED AND ADJUDGED: that the Court finds, pursuant to the Arbitral Award, that Shah is due from Served Respondents additional interest from the date of said award until August 20, 2008, the date of Shah's motion for summary judgment, the following amounts:

- i. against Served Respondents, jointly and severally, the amount of \$195,376.05; and
- ii. against Respondent RLI, an additional amount of \$58,861.35; and it is further

ORDERED AND ADJUDGED: judgment be entered in favor of Shah and against Served Respondents for the following amounts:

- i. against Served Respondents, jointly and severally, in the amount of \$5,566,823.17; and
- ii. against Respondent RLI, in the additional amount of \$508,191.24; and it is further

ORDERED AND ADJUDGED: that Shah's request for attorneys' fees is voluntarily withdrawn without prejudice; and it is further

ORDERED AND ADJUDGED: that all costs taxable pursuant to Fed. R. Civ. P. 54(d)(1) and 28 U.S.C. § 1920 be awarded Shah as against Served Respondents; and it is further

ORDERED AND ADJUDGED, that there being no just cause for delay, the Clerk of this Court is directed to enter judgment forthwith; and it is further

ORDERED AND ADJUDGED: that the Clerk of the Court immediately pay the Attached Funds received from Citibank N.A., in the amount of \$1,150,701.37, held with respect

to this matter in the Court registry plus accrued interest, by check payable to “Salans as Attorneys for the benefit of Bipinchandra Shah;” and it is further

ORDERED AND ADJUDGED: that Service of a copy of this Order and the papers upon which it was based, upon Served Respondents via facsimile, electronic transmission, overnight courier, express mail, or personal delivery, shall be deemed sufficient service thereof.

SO ORDERED.



JOHN E. SPRIZZO
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
September 17, 2008